

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

## COURTHOUSE NEWS SERVICE

Plaintiff,

**V.**

**MICHAEL GOULD, in his official  
Capacity as Collin County District  
Clerk, et al.**

**Defendants.**

§ § § § § § § § § §

Civil Action No. 4:24-cv-00368

**DEFENDANT GLORIA MARTINEZ'S FIRST UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO ANSWER OR RESPOND TO PLAINTIFF'S FIRST  
AMENDED COMPLAINT FOR PRELIMINARY AND PERMANENT  
INJUNCTIVE AND DECLATORY RELIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant Gloria Martinez, in her official capacity as Bexar County District Clerk and files her first unopposed motion for extension of time to answer or respond to Plaintiff's first amended complaint and would show the court as follows:

## I. Introduction

Plaintiff has sued over twenty district clerks, along with the Director for the Texas Office of Court Administration, for injunctive relief and declaratory relief regarding “Defendant’s practice of restricting access to new e-filed petitions filed with District Clerk Defendants when the petitions are received and withholding access after the completion of clerical processing by local clerk staff.”<sup>1</sup> Gloria Martinez’s deadline to answer or file a responsive pleading was August 8, 2024. Defendant Gloria Martinez is requesting that

<sup>1</sup> See, Plaintiff's First Amended Complaint for Preliminary and Permanent Injunction and Declaratory Relief [Dkt. 11]

her deadline to answer or otherwise respond be extended until September 26, 2024. Plaintiff does not oppose this extension request. This is Defendant, Gloria Martinez' first extension request.

## **II. Applicable Law**

This Honorable Court may grant a request for extension of time for "cause shown." FED. R. CIV. P. 6(b). District Courts have broad discretion as to whether to grant an extension of time. *Hetzel v. Bethlehem Steel Corp.*, 50 F.3d 360, 367 (5th Cir. 1995). In considering whether to grant such an extension, Courts consider "(1) 'the possibility of prejudice to the other parties,' (2) 'the length of the applicant's delay and its impact on the proceeding,' (3) 'the reason for the delay and whether it was within the control of the movant,' and (4) 'whether the movant has acted in good faith.'" *Neurology & Neurophysiology Assocs., P.A. v. Tarbox (In re Neurology & Neurophysiology Assocs., P.A.)*, 628 F. App'x 248, 251 (5th Cir. 2015).

## **III. Good Cause Exists for the Extension**

Good cause exists for this request. Granting this request for an extension will not prejudice any party, as evidenced by Plaintiff's non-opposition to the extension. The length of the extension is minimal (4 weeks from the date of this filing) and will allow all defendants' deadlines to be around the same time. The undersigned counsel is still attempting to gather information regarding the e-file system used by Bexar County and is not in the position to be able to fully respond to Plaintiff's allegations. Further, this lawsuit is in its early stages, and an extension will not affect any other deadlines. Finally, the parties are all acting in good faith.

#### **IV. Prayer**

For the foregoing reasons, Defendant Gloria Martinez requests that the Court grant this unopposed motion for an extension of time and permit them to file an answer or responsive motion to Plaintiff's original complaint on or before **Thursday, September 26, 2024.**

Respectfully Submitted,

JOE D. GONZALES  
Bexar County Criminal District Attorney

By: /s/ JOSÉ E. HERRERA  
JOSÉ E. HERRERA  
Texas State Bar No. 24073024  
Assistant District Attorney – Civil Division  
101 W. Nueva  
San Antonio, Texas 78205  
P: (210) 335-2146 / F: (210) 335-2773  
Jose.Herrera@bexar.org  
*Attorney for Defendant Gloria Martinez*

#### **CERTIFICATE OF CONFERENCE**

I hereby certify that, on the 27<sup>th</sup> day of August, I conferred by telephone with Plaintiff's regarding the relief sought in this motion, and he stated that he was not opposed.

/s/ JOSÉ E. HERRERA  
**JOSE E. HERRERA**

#### **CERTIFICATE OF SERVICE**

I hereby certify that, on the 28th day of August 2024, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which provided electronic service upon all parties.

/s/ JOSÉ E. HERRERA  
**JOSE E. HERRERA**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

COURTHOUSE NEWS SERVICE

Plaintiff,

v.

MICHAEL GOULD, in his official  
Capacity as Collin County District  
Clerk, et al.

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. 4:24-cv-00368

**ORDER GRANTING DEFENDANT GLORIA MARTINEZ'S FIRST  
UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER OR  
RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

CAME ON TO BE CONSIDERED Defendant Gloria Martinez' unopposed motion for extension of time to answer or respond to Plaintiff's first amended complaint, and the Court having considered same finds that it has merit and should be granted.

IT IS THEREFORE ORDERED THAT Defendant Gloria Martinez' unopposed motion for extension of time to answer or respond to Plaintiff's first amended complaint, be and hereby is GRANTED and Defendant Gloria Martinez' date to answer or otherwise respond be and hereby is extended until **September 26, 2024**.

---

**Presiding U.S. Eastern District Judge**